

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jun 28, 2024**

SEAN F. McAVOY, CLERK

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF WASHINGTON**

WALTER M.,<sup>1</sup>

Plaintiff,

vs.

MARTIN O'MALLEY,  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 2:23-cv-00303-RHW

**ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C. §  
405(g) AND CLOSING FILE**

**ECF Nos. 17, 24**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 24, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney Chad Hatfield represents Plaintiff. Attorneys David Burdett, Joseph Langkamer, and L. Jamala Edwards represent Defendant.

After consideration, **IT IS HEREBY ORDERED** that:

1. The parties' Stipulated Motion for Remand, **ECF No. 24**, is **GRANTED**.

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<sup>1</sup> To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1           2. The above-captioned case be **REVERSED** and **REMANDED** to the  
2 Commissioner of Social Security for further administrative proceeding pursuant to  
3 sentence four of 42 U.S.C. § 405(g).

4           The parties have stipulated to the following instructions. On remand, the  
5 Appeals Council will instruct the ALJ to:

- 6           • Reassess Plaintiff's alleged self-employment activity;
- 7           • Offer the Plaintiff the opportunity for a new hearing;
- 8           • Further develop the administrative record as necessary; and
- 9           • Issue a new decision.

10          *See* ECF No. 24 at 2.

11           3. Judgment shall be entered for **PLAINTIFF**.

12           4. Plaintiff's Motion for Summary Judgment, **ECF No. 17**, is  
13 **STRICKEN AS MOOT**.

14           5. Upon proper presentation, this Court consider Plaintiff's application  
15 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

16           The District Court Executive is directed to enter this Order, **enter Judgment**  
17 **in favor of Plaintiff**, forward copies to counsel, and **CLOSE THE FILE**.

18           DATED June 28, 2024.

19  
20                               s/Robert H. Whaley  
                              ROBERT H. WHALEY  
                              Senior United States District Judge